

Probate Status Hearing Re: Failure to File First Account or Petition for Final Distribution

DOD: 06/22/07		<p>LARRY A. DONALDSON, friend, was appointed as Executor without bond on 05/27/08 and Letters were issued on 06/18/08.</p> <p>Notice of Status Hearing filed 11/28/12 set this matter for status. Clerk's Certificate of Mailing states that the Notice of Status Hearing was mailed to Larry A. Donaldson on 10/19/12.</p> <p>Declaration of Beneficiary Laura Leonard re Probate Status Hearing – Failure to File First Account or Petition for Final Distribution filed 01/13/11 states: she and her brother (both beneficiaries of the estate) have made many written and verbal requests to Mr. Donaldson requesting an accounting and for their father's estate be brought to a close. Ms. Leonard states that Mr. Donaldson has ignored their requests and repeatedly failed to communicate with them regarding the estate. Ms. Leonard and her brother had an attorney, Frederick Borges, contact Mr. Donaldson on their behalf to request that he move forward with the estate. Mr. Donaldson responded that he would move forward, but has failed to do so. Ms. Leonard states that she and her brother have also made a complaint to the state bar of California regarding Mr. Donaldson's failure to act. Ms. Leonard states that after all of these efforts, Mr. Donaldson recently provided them with a sloppy, incomplete "accounting", however several years' worth of information is absent and many of the transactions are questionable. Declarant further states that she and her brother were supposed to receive a distribution in early January, but have not received anything.</p> <p>Inventory & Appraisal, partial no. 1 filed 07/24/13 - \$1,619,273.76</p> <p>Clerk's Certificate of Mailing filed 10/08/13 states that a copy of the Minute Order from 10/04/13 was mailed to Larry Donaldson on 10/08/13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>CONTINUED FROM 01/02/14 Minute order from 01/02/14 states: Mr. Donaldson requests a two weeks continuance. Matter continued to 01/30/14. The Court will expect Mr. Donaldson to file something by 01/16/14.</p> <p>Note: Minute order from 07/26/13 states: Mr. Donaldson advises the Court that he filed a status statement yesterday. He further advises that the accounting is being done however he may have a conflict which may require another attorney to complete the work in this matter. The Court on its own motion accepts Mr. Donaldson's withdrawal as Executor in this matter and appoints the Public Administrator. Mr. Donaldson is directed to contact Ms. Kruthers.</p> <p>Note: Letters of Administration were issued to the Public Administrator on 08/01/13.</p> <p>As of 10/01/13, the following remains outstanding:</p> <ol style="list-style-type: none"> 1. Need Final Inventory & Appraisal. 2. Need Accounting and/or Petition for Final Distribution.
Cont. from 012513, 032913, 042613, 072613, 100413, 102513, 120513, 010214			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
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<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
Continued on Page 2		<p>Reviewed by: JF</p> <p>Reviewed on: 01/28/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1A - Wallace</p>	

Report Regarding Status of Estate filed 11/27/13 states: At a hearing on 07/26/13, the Court accepted Larry Donaldson's resignation as Administrator and appointed the Public Administrator. According to the 07/26/13 minute order, Mr. Donaldson advised that the accounting was being done, however a conflict that may require another attorney to complete the work has come up. No accounting has been filed. Mr. Donaldson was not returning calls to the Public Administrator, who called him weekly on Wednesdays. He finally answered a call made from a personal cell phone. At a hearing on 10/04/13, Judge Hamilton ordered Mr. Donaldson to be present at the continued hearing on 10/25/13. Mr. Donaldson did not appear on 10/25/13. The Public Administrator advised the Court that all estate assets had been liquidated and rolled into a trust, of which Mr. Donaldson is the trustee. Despite requests by the Public Administrator, a copy of the trust has not been provided. The Public Administrator is concerned about the assets considering they have not yet been accounted for in the estate.

According to the Inventory & Appraisal filed by Mr. Donaldson on 06/24/13, the estate's value was \$1,619,273.76. The Public Administrator has not been able to access the Bank of America or Security First Bank accounts. He filed and was granted an ex parte order directing financial institutions to provide access to and information regarding all accounts held by the estate or trust of the decedent. The Public Administrator has made several attempts to locate a company whereby "Person Education Publication Royalties" are paid. According to attachment 2 to the Inventory & Appraisal, future royalties will be paid to the estate. There are two timeshares listed, and the Public Administrator has asked Chicago Title to determine the status of these properties. The real property, valued at \$750,000.00 was reportedly sold for \$600,000 and the proceeds placed into a Bank of America bank account. The Public Administrator believes that Mr. Donaldson should once again be ordered to appear before this Court to account for all assets listed on the Inventory & Appraisal that he filed. He should also be ordered to provide a copy of the Trust and an accounting of those assets to the Public Administrator.

Status Conference Statement filed 01/17/14 by Larry Donaldson, former Executor, states:

1. He retained an accounting firm to prepare an accounting for the estate in August 2013.
2. The accounting firm has indicated that they believe the accounting can be completed by 01/28/14.
3. Several months ago, he provided the beneficiaries a bank ledger showing all income and expenditures for both the Bank of America and Security First Bank accounts pending the filing of an official accounting.
4. He has provided original estate documents to the accounting firm and therefore does not have personal possession of the documents in order to be able to prepare an accounting himself.
5. He requests a short continuance to allow him to file an accounting, he believes he should be able to have it filed on or before 01/31/14.

1B Paul Harvey Wallace (Estate)

Case No. 08CEPR00294

Atty Donaldson, Larry A. (former Executor)

Atty Kruthers, Heather H. (for Public Administrator – Successor Administrator)

Order to Show Cause Re: Failure to Appear; Imposition of Sanctions in the Amount
of \$600.00

DOD: 06/22/07	LARRY A. DONALDSON , friend, was appointed as Executor without bond on 05/27/08 and Letters were issued on 06/18/08.	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 01/02/14</u>
Cont. from 010214	On 07/26/13, LARRY DONALDSON resigned as Executor and the PUBLIC ADMINISTRATOR , was appointed as Administrator. Letters of Administration were issued to the Public Administrator on 08/01/13.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.	Minute order from 12/05/13 set this matter for an Order to Show Cause and states: The Court sets the matter for an Order to Show Cause on 01/02/14 regarding Larry Donaldson's failure to appear and imposition of sanctions in the amount of \$600.00. The Court sets a further Order to Show Cause on 01/02/14 regarding Larry Donaldson's failure to provide information to the successor administrator timely and imposition of sanctions in the amount of \$800.00. Larry Donaldson is ordered to be personally present on 01/02/14.	
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: JF
		Reviewed on: 01/28/14
		Updates:
		Recommendation:
		File 1B - Wallace

1B

**Order to Show Cause Re: Failure to Provide Information to the Successor
Administrator Timely; Imposition of Sanctions in the Amount of \$800.00**

DOD: 06/22/07	<p>LARRY A. DONALDSON, friend, was appointed as Executor without bond on 05/27/08 and Letters were issued on 06/18/08.</p> <p>On 07/26/13, LARRY DONALDSON resigned as Executor and the PUBLIC ADMINISTRATOR, was appointed as Administrator. Letters of Administration were issued to the Public Administrator on 08/01/13.</p> <p>Minute order from 12/05/13 set this matter for an Order to Show Cause and states: The Court sets the matter for an Order to Show Cause on 01/02/14 regarding Larry Donaldson's failure to appear and imposition of sanctions in the amount of \$600.00. The Court sets a further Order to Show Cause on 01/02/14 regarding Larry Donaldson's failure to provide information to the successor administrator timely and imposition of sanctions in the amount of \$800.00. Larry Donaldson is ordered to be personally present on 01/02/14.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>CONTINUED FROM 01/02/14</u></p>
Cont. from 010214		
Aff.Sub.Wit.		
Verified		
Inventory		
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Notice of Hrg		
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Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
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Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
<p>Reviewed by: JF</p> <p>Reviewed on: 01/28/14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 1C - Wallace</p>		

**First Amended Petition for Approval of Trustee's First Account Current and for
Authority to Add Additional Asset to Trust Estate**

		CHRISTINE ADAMS , Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 8-31-12 through 8-31-13	<p>Note: It appears that only an original proposed order was provided, no copies to conform. If Petitioner wishes to receive conformed copies, additional copies of the proposed order may be submitted ahead of time, or Petitioner may purchase copies of the original order once it has been entered.</p>
		Accounting: \$ 631,275.20	
		Beginning POH: \$ 21,000.00	
		Ending POH: \$ 631,275.20	
		(\$610,275.20 is cash)	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory	Trustee: Not requested	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.	Attorney: \$8,940.00 for 29.8 hours @	
<input checked="" type="checkbox"/>	Notice of Hrg		<p>Note: If granted, the Court will set status hearing for filing of the next account as follows:</p> <ul style="list-style-type: none"> • Friday 10-9-15
<input checked="" type="checkbox"/>	Aff.Mail	w	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		<p>Reviewed by: skc</p> <p>Reviewed on: 1-28-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 2B – Fulbright</p>
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Account period: 8-31-12 through 8-31-13
Accounting: \$ 631,275.20
Beginning POH: \$ 21,000.00
Ending POH: \$ 631,275.20
(\$610,275.20 is cash)

Trustee: Not requested

Attorney: \$8,940.00 for 29.8 hours @

Petitioner states that although she was granted approval for the initial deposit to the trust, she did not formally request approval for adding the \$9,409.75 wrongful death settlement funds to the trust estate because she considered it to be part of the probate estate. Petitioner now formally requests authority to add this sum to the trust estate.

Petitioner prays for an order:

1. Approving, allowing, and settling the Amended First Account;
2. Authorizing payment of the attorney fees;
3. Authorizing the addition of the wrongful death settlement received by the Executor of the Barbara Scharton Estate in the sum of \$9,409.75;
4. Granting such other relief as the Court considers proper.

Petition for Termination of Guardianship of the Estate

Age: 16 years		CHRISTINE ROBERTS , mother/guardian, is petitioner. Father: DECEASED Paternal grandfather: Kenneth Roberts Paternal grandmother: Charlotte Roberts Maternal grandfather: Gary Dawson Maternal grandmother: Sigried Oliphant Sibling: Jessica Roberts Petitioner states the guardianship was established in order to collect insurance policy proceeds, where were subsequently deposited into a blocked account in case no. 12CEPR00751 [The Special Needs Trust of Jennifer Roberts]. Any additional assets will be distributed to the same blocked account already established in case no. 12CEPR00751. The purpose of establishing the guardianship has been accomplished.	NEEDS/PROBLEMS/COMMENTS: 1. Need Order. Local Rule 7.1 states a proposed Order shall be submitted with all pleadings that request relief. If the proposed order is not received in the Probate Filing Clerk's Office ten (10) days before the scheduled hearing, a continuance may be required.	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
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<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input type="checkbox"/>	Letters			
<input type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input type="checkbox"/>	Order	X		
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: KT	
			Reviewed on: 1/28/14	
			Updates:	
			Recommendation:	
			File 3 – Roberts	

(1) First and Final Report of Administrator and Petition for Its Settlement, (2) for Allowance of Commissions and Fees and for (3) Final Distribution Upon Waiver of Accounting

DOD: 2/4/13		JENNY ASTER , Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Accounting is waived.	
		I & A - \$744,300.79	
		POH - \$759,550.00	
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Administrator - waives	
<input checked="" type="checkbox"/>	Inventory	Attorney - \$6,000.00 (less than statutory)	
<input checked="" type="checkbox"/>	PTC		
<input checked="" type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	Distribution, pursuant to intestate succession and agreement of heirs, is to:	
	W/		
<input checked="" type="checkbox"/>	Aff.Mail	Justin Staggs - 50% interest in real property located at Baird Ave.	
	Aff.Pub.		
	Sp.Ntc.	Jerrit Staggs - 50% interest in real property located at Baird Ave.	
	Pers.Serv.		
	Conf. Screen	Jenny Aster - 50% interest in the estate's interest in Pryor Falls Inc. and 25% interest in the estate's interest in two parcels of real property.	
<input checked="" type="checkbox"/>	Letters	4/2/13	
	Duties/Supp		
	Objections		
	Video Receipt	Shelly Staggs - 50% interest in the estate's interest in Pryor Falls Inc. and 25% interest in the estate's interest in two parcels of real property.	
	CI Report		
<input checked="" type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
<input checked="" type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 1/28/14
			Updates:
			Recommendation: SUBMITTED
			File 4 – Staggs

5A
Atty
Atty
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Dale W. Balagno Revocable Trust
Armo, Lance E. (for Joseph Balagno – Beneficiary – Petitioner)
Gromis, David Paul (for Nicholas Kovacevich – Former Trustee)
Kruthers, Heather (for Public Administrator)
Motsenbocker, Gary L. (for Mary Pond – Respondent)

Case No. 13CEPR00389

Status Hearing Re: Assets and Accounting

		PUBLIC ADMINISTRATOR was appointed as Trustee pursuant to Minute Order 9-9-13.	NEEDS/PROBLEMS/COMMENTS:
			<u>Continued from 12-9-13, 1-16-14</u>
		The Court set this Status Hearing Re: Assets and Accounting.	A: Continued Status Hearing Re Assets and Accounting
Cont. from 120913, 011614		HISTORY:	B: Petition for Payment of Attorney's Fees & Payment for Trustee's Fees filed by Former Trustee Nick Kovacevich
<input type="checkbox"/>	Aff.Sub.Wit.	JOSEPH BALAGNO , Beneficiary, filed a Petition to Remove Trustee, to Appoint Public Administrator as Trustee, and to Compel Trustee to Account.	C: <u>OFF CALENDAR</u> – First Amended Petition for Court Order to Determine Title and Require Transfer of Personal Property to Petitioner filed by Beneficiaries Joseph Balagno, Linda Balagno, and Lori Jo Brown as Petitioners (Beneficiary Mary E. Pond as Respondent is set for hearing on 2-27-14.
<input type="checkbox"/>	Verified	NICHOLAS T. KOVACEVICH , Trustee, filed a Declaration on 8-8-13 (prior to Settlement Conference) indicating information provided to Petitioner's attorney.	Note: The former trustee filed a petition for fees for himself and for his attorney (Page B); however, no accounting or status report has been filed regarding the assets. <u>Therefore, this status hearing remains on calendar.</u>
<input type="checkbox"/>	Inventory	Minute Order 9-9-13: The Court is informed that Mr. Kovacevich has agreed to step down. The Court grants the petition and appoints the Public Administrator as the personal representative. The Court directs that any fees come before the court. Parties stipulate to having the minute order become the order of the court. Set on 12-9-13 for status hearing re assets and accounting.	Minute Order 1-16-14: The Court would like an accounting completed by Mr. Gromis' client by 1-30-14.
<input type="checkbox"/>	PTC		As of 1-28-14, nothing further has been filed.
<input type="checkbox"/>	Not.Cred.		1. Need status of assets and accounting from former trustee Nicholas Kovacevich.
<input type="checkbox"/>	Notice of Hrg		Reviewed by: skc
<input type="checkbox"/>	Aff.Mail		Reviewed on: 1-28-14
<input type="checkbox"/>	Aff.Pub.		Updates:
<input type="checkbox"/>	Sp.Ntc.		Recommendation:
<input type="checkbox"/>	Pers.Serv.		File 5A – Balagno
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order	On 11-1-13, Attorney David Paul Gromis , Attorney for former trustee Nicholas Kovacevich, filed a Petition for Payment of Attorney's Fees and Payment for Trustee's Fees that is set for hearing on 12-19-13. The petition requests payment of \$5,976.00 from the trust estate to the attorney and \$16,452.00 from the trust estate to Nick Kovacevich, CPA, for services as successor trustee.	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice	In addition, on 11-18-13 , Joseph Balagno, Linda Balagno, and Lori Jo Brown filed a Petition for Court Order to Determine Title and Require Transfer of Personal Property to Petitioner that is set for hearing on 1-16-14.	

5A

Petition for Payment of Attorney's Fees and Payment for Trustee's Fees

Dale W. Balagno DOD: 3-16-13		NICHOLAS KOVACEVICH , Successor Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: <u>Examiner's Note:</u> On 9-9-13, per Corrected Minute Order, Mr. Kovacevich agreed to step down and the Court directed that any fees come before the Court. Accordingly, this petition was filed on 11-1-13. This petition requests attorney and trustee fees totaling \$22,428.00. However, at this point, the value of the trust/assets has not been provided to the Court so Examiner does not have a basis for review other than hourly rates and services. Examiner notes that the original petition of Joseph Balagno alleged inappropriate conveyance of trust assets and also alleged that Mr. Kovacevich has refused to provide a list of assets. The Court granted that petition on 9-9-13, that petition was granted and Mr. Kovacevich stepped down, and the Court set status hearing on 12-9-13 regarding Assets and Accounting. This petition for fees was filed; however, no accounting or declaration regarding trust assets has been provided to the Court. See Page A (Continued Status Hearing).
		Petitioner states: <ul style="list-style-type: none"> Dale W. Balagno died on 3-16-13. The trust provides names Petitioner as first successor trustee. On 4-23-13, Petitioner provided information on the trust estate to his attorney, David Gromis. On 9-9-13, Petitioner agreed to allow the Public Administrator to become the Trustee. 	
Cont. from 011614		Attorney: \$5,976.00 Exhibit A is a schedule of the attorney's billing in this proceeding from 4-23-13 through 9-9-13. All services were reasonable and necessary in representing Mr. Kovacevich. 24.9 hours @ \$240/hr.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		Successor Trustee: \$16,452.00 Exhibit B is a schedule of the successor trustee's services provided to the estate from 3-19-13 through 9-9-13. All services were reasonable and necessary in his role as successor trustee. 91.4 hours @ \$180/hr.	
		Petitioner requests an order: <ol style="list-style-type: none"> Directing the Public Guardian to pay David Paul Gromis, Attorney at Law, the sum of \$5,976.00 from the trust estate for legal services rendered to Nick Kovacevich while he was acting as trustee for the D.W. Balagno Trust dated 3-6-13; Directing the Public Guardian to pay Nick Kovacevich, CPA, the sum of \$16,452.00 for time spent and for services rendered to the D.W. Balagno Trust dated 3-6-13 as the successor trustee; and For such other relief as the Court deems just and proper. 	
		Reviewed by: skc Reviewed on: 1-28-14 Updates: Recommendation: File 5B – Balagno	

5C

Dale W. Balagno Revocable Trust

Case No. 13CEPR00389

Atty Armo, Lance E. (for Joseph Balagno – Beneficiary – Petitioner)
 Atty Gromis, David Paul (for Nicholas Kovacevich – Former Trustee)
 Atty Kruthers, Heather (for Public Administrator)
 Atty Motsenbocker, Gary L. (for Mary Pond – Respondent)

Petition for Court Order to Determine Title and Require Transfer of Personal
 Property to Petitioner [Prob. C. 850(a)(2)(C); 856 et seq.]

Dale W. Balagno DOD: 3-16-13		JOSEPH BALAGNO, LINDA BALAGNO, and LORI JO BROWN , beneficiaries, are petitioners.	NEEDS/PROBLEMS/COMMENTS: <u>OFF CALENDAR</u> Amended Petition filed 1-23-14 is set for hearing on 2-27-14.
		Petitioners state they are the children of the decedent and Respondent MARY E POND is a former personal acquaintance of the decedent.	
Cont. from 011614		Petitioners state the trust corpus consists primarily of bank and investment accounts held with several banking institutions, cash, and other personal property.	
	Aff.Sub.Wit.		
✓	Verified	Petitioners state Former Trustee NICHOLAS KOVACEVICH was the trustee before his being removed by this Court. Petitioners believe Mr. Kovacevich has wrongfully conveyed certain personal property of the trust estate to Ms. Pond without any accounting, notice, or acknowledgment whatsoever to Petitioners, after having demanded such information from the former trustee. Additionally, the former trustee allowed mailing addresses and ownership of several bank and investment accounts to be changed to that of Ms. Pond, without notice or accounting to Petitioners. Petitioners state unfortunately, and to the detriment of the estate, Ms. Pond changed the mailing address of the decedent's important financial papers thereby learning confidential information of the decedent and subsequently, by the use of undue influence, persuaded, convinced and manipulated the decedent, while extremely ill and of a vulnerable state, to add her name to certain accounts, real property, and assets, and to conceal other assets of the estate which are not nor have ever been intended for Ms. Pond.	
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg	X	
	Aff.Mail	X	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
		<u>SEE ADDITIONAL PAGES</u>	Reviewed by: skc Reviewed on: 1-28-14 Updates: Recommendation: File 5C – Balagno

5C

Page 2

Petitioners state the Decedent was hospitalized and extremely ill and in an very vulnerable state and was unduly influenced, coerced, persuaded, and convinced to execute a testamentary plan including a will and living trust adding Ms. Pond as a beneficiary shortly before his death, although she was a girlfriend of the decedent for nearly 15 years and was never added to his estate until shortly before his demise. Petitioners state the decedent had stated to his family shortly before his passing that his estate was all set up as he had Transfer of Death (TODs) completed for most of his assets. However, Ms. Pond still added herself to bank accounts, financial investment and life insurance accounts, and liquidated an \$80,000.00 annuity shortly before the decedent's death.

Petitioners state that during the decedent's final hours, Ms. Pond excluded Petitioners and other close family members to see and communicate with their father as she did not want them to interfere with her plan to manipulate him into signing the necessary forms evidencing the testamentary plan and changes to the accounts.

Details re accounts provided (see petition for additional details and specific allegations:

- Fresno Fire Dept. Credit Union Account containing approx. \$142,000.00
- Bank of America account containing approx. \$3,100.00
- Bank of America account containing approx. \$7,096.00
- Wells Fargo Account (no value alleged)
- Chase Bank Account (no value alleged)
- Citibank Account containing approx. \$70,000.00

Petitioners allege that decedent was heard to state before his death that Ms. Pond was only to be added to one certain account, "and none others."

Petitioners provide details of transfers by Ms. Pond.

Additionally Petitioners state that Ms. Pond has refused to answer questions as to the whereabouts of five valuable guns belonging to the decedent. Ms. Pond and Mr. Kovacevich have provided conflicting statements as to the guns.

Petitioners state that the decedent provided the **safe combination** to the former trustee, who provided it secretly to Ms. Pond, who then opened it and accumulated the contents thereof, with Mr. Kovacevich, without video recording or transcribing any inventory. Petitioners were informed by the decedent prior to his passing that the safe contained over \$100,000.00 in "cash," and Ms. Pond uttered to a friend of the family that she had initially counted over \$80,000.00 when opening the safe and discovering it, and was going to go home and "count the rest." Now, Ms. Pond declares there was only \$47,000.00 in the safe.

Petitioners state that statements to family and Robin Duke by the decedent included "Uncle Gene and Mary should each receive \$10,000 from the safe, then Lori, Linda and Joe to split the rest."

Petitioners state there were also several pieces of jewelry in the safe that Ms. Pond denies, thousands in savings bonds, and hundreds in rolled coins.

SEE ADDITIONAL PAGES

Page 3

Petitioners state that a Morgan Stanley Investment Account contained approx. \$288,000.00 at the decedent's death, but the month prior contained approx. \$34,354. Petitioners believe Ms. Pond delivered stock certificates to Morgan Stanley to sell and proceeds were deposited to this account.

Another Morgan Stanley investment account had a balance of \$241,000 and family was listed as beneficiaries. Substantial sums were used to purchase stocks on 3-13-13 although the decedent was in a coma as of 3-14-13. Now these accounts are being threatened to be liquidated and distributed. Such instructions by Morgan Stanley are being refuted by Petitioners.

Additional issues: Petitioners state Ms. Pond learned of additional assets and sold or concealed stock without informing the family or providing any accounting. Ms. Pond was reimbursed \$12,000 in funeral expenses by the trustee although the trustee claimed that he had paid funeral expenses. No receipts or bills have been produced.

Ms. Pond's name was added to the decedent's 2007 pickup shortly before his death. All of his work tools and equipment were in the truck and were not accounted for.

Lastly, demand has been made to both trustee and Ms. Pond for copies of all accounts, bills, etc., but none have been provided.

Petitioners state Ms. Pond has two safes in her home that are believed to contain many of the possessions.

Petitioners state the Court has ordered the former trustee removed and the PUBLIC ADMINISTRATOR has now been appointed, although Petitioner Joseph Balagno is still the personal representative of the Estate of Dale Balagno.

[Examiner's Note: Court records do not indicate an open estate for this decedent.]

Additional details re circumstances prior to death are detailed in the petition.

SEE ADDITIONAL PAGES

Petitioners pray for an order as follows:

- 1. The Court grant and distribute the vehicles along with all cash, guns, jewelry, bonds, coins, and other items located in the safe and removed by Ms. Pond and/or the former trustee to Petitioner as representative of the estate;**
- 2. The Court grant and distribute all investment accounts to the Petitioner as representative of the estate;**
- 3. The Court grant and distribute all bank accounts to the Petitioner as representative of the estate;**
- 4. The Court grant and distribute all bonds and insurance proceeds to the Petitioner as representative of the estate;**
- 5. For all costs of suit incurred; and**
- 6. For such other and further relief as the Court may deem just and proper.**

Atty Shepard, Jeff S. (for Douglas De La Rosa – Petitioner – Brother)

Atty Horton, Lisa (for Harold Harless, Maria Estes, and Rachel Buchanan)

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob.
C. 8002, 10450)

DOD: 05/21/2013		DOUGLAS DE LA ROSA , brother is petitioner and requests appointment as administrator with bond.	NEEDS/PROBLEMS/COMMENTS:
		Full IAEA – o.k.	Note: Page 7 is a Petition to Determine Succession filed by Harold Harless, Maria Estes and Rachel Buchanan, heirs of the decedent.
		Decedent died intestate	
Cont. from 121713		Resident of Garland, Texas leaving real property in Fresno County	1. #2d(2) of the petition does not provide an amount for bond.
	Aff.Sub.Wit.	Publication: The Business Journal	
✓	Verified	Estimated value of the Estate:	For the Declarants: The Declarations filed are objections and would therefore require a filing fee of \$435.
	Inventory	Real Property - \$100,000.00	
	PTC	Probate Referee: Steven Diebert	Declaration of Decedent's Daughter, Maria Estes, filed 12/11/2013 states that she is one of the heirs at law of the decedent, the other heirs at law are Rachel Buchanan, decedent's daughter, and Harold Harless, decedent's spouse. Ms. Estes states that her mother resided and died in Texas. The only asset in California that that her mother had was a fifty percent (50%) interest in real property located at 487 E. Keats Ave, Fresno, Ca that was given to her and decedent's brother, Douglas De La Rosa (Petitioner) by their parents. There is no need for an expensive and time consuming probate proceeding as the decedents 50% interest is worth less than \$150,000.00. Ms. Estes states that as the decedent's daughter she has priority over her uncle to be appointed as administrator of her mother's probate proceeding, but there is no need. Ms. Estes does not want Douglas De La Rosa to be appointed as Administrator of her mother's estate and does not want a full probate proceeding to be opened. Ms. Estes and the other heirs at law are filing a Petition to Determine Succession to Real Property for her mother's fifty percent (50%) interest in the real property. Ms. Estes requests that the Court transfer her mother's property to the rightful heirs pursuant to their petition. Please see additional page
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
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	Conf. Screen		
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	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LV Reviewed on: 01/28/2014 Updates: Recommendation: File 6 – Harless

Declaration of Decedent's Spouse Harold Harless filed 12/11/2013 states that he is one of the heirs at law of the decedent, the other heirs are Maria Estes, and Rachel Buchanan, decedent's daughters. Mr. Harless states that he and his wife resided in Garland, Texas and that his wife passed away on 05/19/2013 in Rockwall Texas. The only asset in California that his wife had was a fifty percent (50%) interest in real property at 487 E. Keats Ave, Fresno, Ca that was given to her and her brother, Douglas De La Rosa by their parents. Mr. Harless does not want an expensive and time consuming probate proceeding as his wife's 50% interest is worth less than \$150,000.00. As the decedent's spouse Mr. Harless states he has priority over Douglas De La Rosa to be appointed as administrator of the decedent's probate proceeding, but there is no need. Mr. Harless does not want Douglas De La Rosa to be appointed as Administrator of the decedent's estate and does not want a full probate proceeding to be opened.

Mr. Harless and the other heirs at law are filing a Petition to Determine Succession to Real Property for the decedent's 50% interest in the real property. He requests that the Court transfer his wife's property to the rightful heirs pursuant to their petition.

Note: If the petition is granted, status hearings will be set as follows:

- **Friday, June 20, 2014** at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal.
- **Friday, March 20, 2015** at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

DOD: 05/19/2013		HAROLD HARLESS , surviving spouse, and MARIA ESTES and RACHEL BUCHANAN , daughters, are petitioners.	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg	40 days since DOD. No other proceedings I&A - \$70,000.00 Decedent died intestate Petitioners request Court determination that decedent's 50% interest in the real property located at 487 E. Keats Ave, Fresno, Ca. pass 1/3 rd to Harold Harless, 1/3 rd to Maria Estes, and 1/3 rd to Rachel Buchanan pursuant to intestate succession.	
✓	Aff.Mail		w/
	Aff.Pub.		
	Sp.Ntc.		
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	Letters		
	Duties/Supp		
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	Video Receipt		
	CI Report		
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✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: LV
			Reviewed on: 01/28/2014
			Updates:
			Recommendation:
			File 7 – Harless

Ina Jean Ravarra Revocable Trust

Lucich, Nicholas L., Jr. (for Wilda K. Moller – Petitioner)

Petition for Appointment of Successor Trustee

Case No. 13CEPR01074

DOD: 12-18-95		WILDA K. MOLLER is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner states Ina Jean Ravarra created the Ina Jean Ravarra Revocable Trust on 8-3-92, which became irrevocable upon her death on 12-18-95. The Trust designates Daniel Patrick Ryan, Sr., as first successor trustee and Daniel Patrick Ryan, Jr., as second successor trustee. Petitioner states she has been acting as trustee since 1996 pursuant to an appointment made by Daniel Patrick Ryan, Sr., as set forth in Affidavit Death of Trustee/Trustor (attached).	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
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✓	Order		
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	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice	<p>Petitioner desires to and does hereby resign as trustee effective upon appointment of a successor. Daniel Patrick Ryan, Sr., died in 2007. Daniel Patrick Ryan, Jr., was previously in 1996 unable to act due to a disability. Petitioner has attempted to contact him at his last known address, but has been unable to do so. Accordingly, a court order to appoint a successor trustee is necessary under Probate Code § 15660(d).</p> <p>MICHELLE DELABARRE has been nominated as successor trustee by the only two adult beneficiaries of the trust and consents to act: Yusuf As Shakuur (formerly Joseph Ravarra) and Patricia Ravarra.</p> <p>Petitioner states the only assets remaining are real property known as 3039-41 California Street, San Francisco, CA, and approx. \$10,000 cash. Pursuant to the trust agreement, the trustee is to allow Yusuf As Shakuur to reside rent-free in Apartment #2 in this property and after paying all monthly bills, including repairs and maintenance on said property, to disburse net income equally between the two beneficiaries. The trust does not provide specifically for disposition of the trust after their deaths other than to say that if the remaining trust estate is not completely disposed of by the preceding provision, the undisposed portion shall be distributed outright to the settlors' heirs. Accordingly, the only current beneficiaries are Yusuf As Shakuur and Patricia Ravarra.</p> <p>Petitioner request that the Court appoint MICHELLE DELABARRE as successor trustee of the Ina Jean Ravarra Revocable Trust dated August 3, 1992, and for such other and further relief as the Court deems proper.</p>	<p>Reviewed by: skc</p> <p>Reviewed on: 1-28-14</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 8 – Ravarra</p>

Petition for Instructions to Establish Trust Ownership of Accounts

Martin Ray Reilly DOD: 5-25-10		JAMIE FERRI , Successor Trustee, is Petitioner. Petitioner states Trustor Martin Reilly died 5-25-10 and Trustor Lucille Fay Reilly died 3-26-11. The trust states that the trustors hereby transfer, and have delivered and do hereby deliver to the trustees named hereunder all property described in Schedule A. Schedule A (attached) lists "all checking accounts, savings accounts, certificates of deposit, money market accounts, IRA's, mutual funds, and other monetary accounts in the name of either Martin Ray Reilly and/or Lucille Fay Reilly" which were to have been transferred and delivered to the trust. After executing the trust, the trustors went to the pertinent financial institutions and transferred their accounts to the trust. They asked to have all of their accounts transferred to the name of the Reilly Intervivos Trust of 2007. They believed that all of their accounts at both Chase Bank and CITI Bank had been transferred to the trust per their instructions. It was discovered after the trustors' deaths that one account at CITI in the approx. amount of \$32,000 and an account at Chase in the approx. amount of \$105,440 were never transferred to the trust. Both of these accounts were owned by the trustors when they executed the trust agreement. Copies of bank statements are attached.	NEEDS/PROBLEMS/ COMMENTS: 1. Continuance is necessary for proper notice. Notice of Hearing was mailed on 1-5-14, which does not allow for the 30 days' notice required by Probate Code §§ 851, 17203. (Pursuant to Probate Code §851(c), the Court may not shorten the time for giving notice of hearing under this section.) 2. Need order.
Lucille Fay Reilly DOD: 3-26-11			
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	Not.Cred.		
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	CI Report		
	9202		
	Order	X	
	Aff. Posting		
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	FTB Notice		
		Petitioner prays for an order: 1. Instructing the trustee with regard to the property administration of the trust with respect to the matter alleged herein; 2. Instructing the Trustee that the following accounts are the assets of the Reilly Intervivos Trust of 2007: - Chase Acct No. xxx943 - CITI Acct No. xxx747, and that Jamie Ferri, as successor trustee of the trust, has full powers to transfer said property to the trust; 3. For such other relief as the Court may deem proper.	Reviewed by: skc Reviewed on: 1-28-14 Updates: Recommendation: File 9 – Reilly

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob.
C. 8002, 10450)

DOD: 12/30/2011		<p>ABRAHAM ISAAC TUBBS, JR., son is petitioner and requests appointment as administrator of the estate without bond.</p> <p>IAEA – Not Requested</p> <p>Decedent died intestate</p> <p>Residence: Fresno Publication: The Business Journal</p> <p>Estimated value of the Estate: Real Property - \$45,000.00</p> <p>Probate Referee: Steven Diebert</p> <p>Petitioner states: Bond not be required for the following reasons:</p> <p>Pursuant to Probate Code §8482(a), the bond amount is based on the (1) estimated value of the personal property, (2) the probably annual gross income of the estate, and (3) if independent administration is granted as to the real property, the estimated value of the decedent's interest in the real property.</p> <p>In this case, there is no personal property, there is no income to the estate, and Petitioner has not requested independent administration as to the real property. Based thereon, the bond amount would be zero.</p> <p style="text-align: center;"><u>Please see additional page</u></p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: The filing fee was initially waived for this petition; however, the fee will be due prior to distribution pursuant to Government Code §68637. (Filing fee is \$435.00.)</p> <p>Note: If the petition is granted, status hearings will be set as follows:</p> <ul style="list-style-type: none"> Friday, June 20, 2014 at 9:00 a.m. in Department 303, for the filing of the inventory and appraisal. Friday, March 20, 2015 at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution. <p>Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.</p>	
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Reviewed by: LV
Reviewed on: 01/28/2014
Updates:
Recommendation:
File 10 – Tubbs

Petitioner respectfully requests that bond not be required.

Further, Petitioner discloses that he was incarcerated until March 28, 2013, when he was released from CMC West Prison in San Luis Obispo. During the time Petitioner was incarcerated, his brother, Jesse Roger Tubbs, filed a petition to determine succession in the Fresno County Superior Court seeking to have the real property of this Estate transferred to himself and to Petitioner in co-equal shares. The Court denied the petition without prejudice on technical grounds. Upon his release from prison, Petitioner filed a similar petition in Fresno County Superior Court seeking to have decedent's real property – single family residence – distributed to himself and his brother, Jesse Roger Tubbs, in co –equal shares. Petitioner ultimately withdrew the petition after Jesse Roger Tubbs would not consent to take a co-equal share. Accordingly, Petitioner was required to file the instant Petition for Probate even though the value of the real estate –which is the only asset of the estate – is approximately \$45,000.00.

DOD: 9/7/2001 Cont. from 092013, 102413	<p>JACK SINOR was appointed as Administrator with full IAEA and without bond on 12/18/2001.</p> <p>Letters issued on 12/18/2001.</p> <p>Inventory and Appraisal was filed on 5/13/2002 showing an estate valued at \$142,111.42.</p> <p>Creditor's Claims filed:</p> <p>Household Retail Services - \$509.77</p> <p>Discover Card - \$5,747.00</p> <p>Sears - \$2,056.92</p> <p>Wells Fargo - \$9,100.19 (Note: an Abstract of Judgment was filed whereby Wells Fargo was awarded \$12,131.50 in a Civil case for the rejected creditor's claim).</p> <p>Status Report of the Public Administrator filed on 1/8/14 states Deputy Public Administrator Noe Jimenez conducted research in order to ascertain the whereabouts of the four heir of the estate and has learned that Jack Sinor died on 10/30/08, Rita Somer died on 3/13/07, and Renee Perez died on 1/22/08. He found the last known address for Rhonda N. Perry. He sent her a letter requesting she contact him but received no response. According to the I & A filed by Jack Sinor the estate consisted of \$60, real property, a 1987 Oldsmobile Ciera and furniture and furnishings. Deputy Jimenez learned that the real property sold on 3/12/02. The disposition of the other assets and the proceeds from the sale of the real property are not known.</p> <p>The Public Administrator requests that the next status hearing be set no sooner than 90 days from the date of this hearing to allow time to complete his investigation and any other outstanding tasks regarding the administration of the estate.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Minute Order dated 10/24/13 states the court on its own motion removes Jack Sinor as the administrator and appoints the Public Administrator.</p>																																																			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 100px;">Aff.Sub.Wit.</td><td></td></tr> <tr><td>Verified</td><td></td></tr> <tr><td>Inventory</td><td></td></tr> <tr><td>PTC</td><td></td></tr> <tr><td>Not.Cred.</td><td></td></tr> <tr><td>Notice of Hrg</td><td></td></tr> <tr><td>Aff.Mail</td><td></td></tr> <tr><td>Aff.Pub.</td><td></td></tr> <tr><td>Sp.Ntc.</td><td></td></tr> <tr><td>Pers.Serv.</td><td></td></tr> <tr><td>Conf. Screen</td><td></td></tr> <tr><td>Letters</td><td></td></tr> <tr><td>Duties/Supp</td><td></td></tr> <tr><td>Objections</td><td></td></tr> <tr><td>Video Receipt</td><td></td></tr> <tr><td>CI Report</td><td></td></tr> <tr><td>9202</td><td></td></tr> <tr><td>Order</td><td></td></tr> <tr><td>Aff. Posting</td><td></td></tr> <tr><td>Status Rpt</td><td></td></tr> <tr><td>UCCJEA</td><td></td></tr> <tr><td>Citation</td><td></td></tr> <tr><td>FTB Notice</td><td></td></tr> </table>	Aff.Sub.Wit.		Verified		Inventory		PTC		Not.Cred.		Notice of Hrg		Aff.Mail		Aff.Pub.		Sp.Ntc.		Pers.Serv.		Conf. Screen		Letters		Duties/Supp		Objections		Video Receipt		CI Report		9202		Order		Aff. Posting		Status Rpt		UCCJEA		Citation		FTB Notice		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Reviewed by: KT</td></tr> <tr><td>Reviewed on: 1/28/14</td></tr> <tr><td>Updates:</td></tr> <tr><td>Recommendation:</td></tr> <tr><td>File 11 – Sinor</td></tr> </table>		Reviewed by: KT	Reviewed on: 1/28/14	Updates:	Recommendation:	File 11 – Sinor
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DOD: July 27, 1997		<p>FRANK VOLPA, Executor, filed a petition for instructions on 8/30/2013. Mr. Volpa stated in his petition that although the order for final distribution had been entered in 2007 he had not yet distributed all the assets to the beneficiaries because of unforeseen tax issues. Mr. Volpa requested that the court allow him to pay himself and his attorney and possibly a CPA for work that needed to be done to allow the remaining assets to be distributed.</p> <p>On 10/3/13 the Court denied the Petition. Minute order from the hearing states the Court is not in a position to allow fees to be paid for what should have been done. The Court set this status hearing and ordered Frank Volpa to be personally present.</p> <p>Status Report filed on 1/23/14 states as the court is aware Mr. Volpa has not distributed all the assets of the estate. Mr. Volpa is still in possession of assets that are distributable to the University of Montana and to the Sigma Chi Foundation.</p> <p>Since the last hearing Mr. Volpa's attorneys have obtained receipts for some of the assets that were distributed. Receipts for assets were filed with the court.</p> <p>Mr. Volpa's attorneys have also been in contact with Vanguard. Vanguard holds an IRA with a current value of about \$179,000.00. Mr. Volpa is the named beneficiary but disclaimed any interest by document filed with the court on 5/26/2006. With the assistance of his attorney Mr. Volpa has converted the account to an estate account in order to be able to distribute them to the proper parties. Those assets are now available for distribution.</p> <p>All tax returns are current and taxes have been paid.</p> <p>Mr. Volpa's attorneys are preparing an account of activities since the 2007 order for distribution. Mr. Volpa requests that the status on this matter be continued 4-6 weeks in order for his attorneys to complete the account and present a plan for distribution to the court.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>

DOD: 2-7-07		<p>LORENA GARCIA, Daughter is Administrator with limited IAEA without bond. Letters issued 7-21-08.</p> <p>On 7-14-09, the Court approved a settlement agreement between Administrator (daughter) and Omega Ochoa Garcia (surviving spouse) and allowed continuation of estate administration pending certain issues:</p> <p>1) Retrial of the damages portion of Civil Case # 04CECG03607 Garcia v. Roberts; and</p> <p>2) Receipt of proceeds due from an eminent domain matter</p> <p>On 10-4-11 (the 7th status hearing regarding retrial of the damages issue), Attorney Emerzian advised the Court that a motion for a new trial was denied and an appeal has been filed, and that deposits need to be made. The Court set this hearing for further status.</p> <p>Status Report filed 12-1-11 by Attorney LeVan states that Attorney Ty Kharazi filed a Notice of Appeal on behalf of his clients, the Roberts'. The Fifth District Court of Appeal has set a mediation for the parties on 12-12-11. Attorney LeVan requests to set a status hearing in March 2012 to follow the progress of the appeal.</p> <p>Minute Order 12-6-12: No appearances. Matter continued to 3-13-12.</p> <p>Minute Order 3-13-12: Counsel informs the Court that the case has been appealed. Matter continued to 9-13-12, then 3-14-13.</p> <p>Status Report filed 3-13-13 states there are no entries in the civil docket regarding appeal since 1-8-13. Until that matter is decided, we do not know what the final I&A will be. Attorney LeVan requests a six-month continuance for resolution of the appeal.</p> <p>Minute Order 3-14-13: The Court orders all attorneys involved in case 04CECG03607 appear for status conference on 4-26-13. Order to Show Cause for attorneys regarding the status of litigation and status of mediation.</p> <p>Minute Order 4-26-13: Counsel informs the Court that the appeal matter has been fully briefed. The Court directs Mr. Hannah and Mr. Littlewood to submit a joint status letter to Ms. LeVan so she can update the Court at the next hearing.</p> <p>A Status Report (not verified by Administrator) was filed 8-27-13: See Page 2</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: This Probate Court has held at least 14 status conferences since January 2010 regarding status of this litigation. Need current status.</p>
Cont. from 042613, 083013			
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Page 2

Unverified Status Report states the estate of Johnny Garcia is currently in a holding pattern pending the outcome of the appeal of the civil matter which holds the bulk of the estate property. There have been no funds received into the estate from the \$184,798 awarded in 7/2011 due to the appeal filed by Atty. Kharazi in 9/2011 on behalf of the Roberts. The estate is not in a condition to be closed at this time.

The personal property listed on the inventory is currently in the possession of Omega Garcia (spouse) pursuant to the agreement that she was going to get one-half of the estate. This property was going to be part of her distribution.

Per docket, as of 7/30/13, oral argument notice was sent to both attorneys. On 8/6/13, Atty Kharazi requested oral argument, personal appearance. On 8/8/13, Atty Littlewood filed a conditional oral argument waiver or personal appearance. On 8/21/13, oral arguments were set for 9/18/13. See attached.

Until the civil matter is decided, we do not know what the final I&A amount will be. A six month continuance is requested.

Minute Order 8-30-13: Ms. Johnson is appearing specially for Ty Kharazi. The Court is advised that oral argument in the appellate court is set for 9-18-13.

As of 1-28-14, nothing further has been filed.

Probate Status Hearing Re: (1) Failure to File Inventory and Appraisal; (2) Filing of First Account or Petition for Final Distribution

DOD: 9-22-11		KATHLEEN M. NORKUNAS, Surviving Spouse, was appointed Executor with Full IAEA without bond and Letters issued on 9-4-12.	NEEDS/PROBLEMS/COMMENTS:
		No Inventory and Appraisal has been filed; however, the original petition for probate estimated that the estate contained personal property valued at \$450,000.00, income of \$20,000.00, and real property valued at \$250,000.00.	<u>Continued from 11-15-14</u> <u>As of 1-28-14, nothing further has been filed.</u> 1. Need Inventory and Appraisal and first account or petition for final distribution, or verified status report pursuant to probate code and local rules. <u>Note:</u> Per the decedent's will, Ms. Norkunas is the sole heir; however, Letters have issued and the estate must be properly closed with appropriate notice pursuant to applicable law.
Cont. from 111513			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: skc Reviewed on: 1-28-14 Updates: Recommendation: File 14 – Karlee

Age: 20		<u>TEMPORARY EXPIRES 12/30/2013</u>	NEEDS/PROBLEMS/COMMENTS:
		REV. MICHELE A. RACUSIN , mother, is Petitioner and requests appointment as Conservator of the Person.	Court Investigator advised rights on 01/16/14.
		Petitioner states that Elliot has no history of physical or mental health issues, but on 12/08/13, he suffered a psychotic break and was subsequently hospitalized. Petitioner states that Elliott needs assistance to ensure he receives appropriate medical care and treatment while he recovers from his illness.	1. Need Receipt re viewing of Conservatorship video. 2. Need Letters.
Cont. from		Court Investigator Jennifer Young filed a report on 01/23/14.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	w/	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	w/	
✓	Conf. Screen		
	Letters	x	
✓	Duties/Supp		
	Objections		
	Video Receipt	x	
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
✓	Citation		
	FTB Notice		
			Reviewed by: JF
			Reviewed on: 01/28/14
			Updates:
			Recommendation:
			File 15 – Racusin

16 Patrick James Beebe (GUARD/E)

Case No. 12CEPR00753

Atty Beebe, James Kern

Atty Beebe, Yvette Renee

(1) First Account and Report of Guardian of Estate and (2) Petition for Approval

Age:		NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED TO 3-3-14</u> Per Petitioner request
DOB:		
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 1-28-14
		Updates:
		Recommendation:
		File 16 – Beebe

(1) First Account and Report of Guardian of Estate and (2) Petition for Approval

Age:			NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED TO 3-3-14</u> Per Petitioner request
DOB:			
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 1-28-14
			Updates:
			Recommendation:
			File 17 – Beebe

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Age: 1½	TEMPORARY EXPIRES 01/30/14	NEEDS/PROBLEMS/COMMENTS: CONTINUED FROM 11/21/13 Minute Order from 11/21/13 states: Court Investigator will be in contact with guardian. Temporary Letters extended. As of 01/28/14, nothing new has been filed in this matter. 1. Need proof of personal service at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person or Consent & Waiver of Notice or Declaration of Due Diligence</i> for: - Darwin Bush, Jr. (father?) Note: A notice of hearing for the hearing on the Temporary Guardianship was filed 01/28/13 reflecting personal service on Mr. Bush on 01/11/13, it is unclear however, if he was also served with a copy of the documents and also with a Notice of Hearing regarding the hearing on 03/12/13. 2. Need proof of service by mail at least 15 days before the hearing of <i>Notice of Hearing</i> with a copy of the <i>Petition for Appointment of Guardian of the Person or Consent & Waiver of Notice or Declaration of Due Diligence</i> for: - Paternal grandparents - Maternal grandfather
	DONYALE KINGSBY , maternal grandmother, is Petitioner. Father: DARWIN BUSH, JR. – <i>Personally served on 01/11/13</i> Mother: SHAKIRA MONIQUE ROSEMOND – <i>Personally served on 01/15/13</i> Paternal grandfather: NOT LISTED Paternal grandmother: JANET MACKLIN Maternal grandfather: NOT LISTED Petitioner alleges that the mother is incarcerated and the father is unknown. Petitioner states that the mother gave Petitioner custody of the child. Court Investigator Samantha Henson filed a report on 03/05/13.	
Cont. from 031213, 062513, 112113		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input type="checkbox"/> Aff.Mail	x	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report	x	
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: JF
		Reviewed on: 01/28/14
		Updates:
		Recommendation:
		File 18 - Bush

		NO TEMP REQUESTED	NEEDS/PROBLEMS/COMMENTS:
		ASMAHAN SALAYMEH , Spouse, is Petitioner and requests appointment as Conservator of the Person and as Conservator of the Estate without bond.	Court Investigator advised rights on 11-18-13
Cont. from 120513		Voting rights affected	Voting rights affected – need minute order
	Aff.Sub.Wit.		<u>Continued from 12-5-13</u>
✓	Verified		1. The Court Investigator's report indicates that Petitioner wishes to handle specific matters related to closing the proposed conservatee's business. However, the Petition did not include a request for independent powers under Probate Code §2590. Note that pursuant to Local Rule 7.15.2, it is the policy of the Court to grant only those independent powers necessary in each case to administer the estate. Each power must be justified by, and narrowly tailored to the specific circumstances. Therefore, need clarification regarding the powers sought.
	Inventory		2. Petitioner does not provide an estimated value for the conservatorship estate. Pursuant to Probate Code §2320(c)(4) and Cal. Rules of Court 7.207, every conservator of the estate must furnish bond, including a reasonable amount for cost of recovery. Therefore, need estimated value of estate to determine appropriate bond amount.
	PTC		3. Petitioner lists only two daughters at #11 and those are the only two that were served. However, according to the Court Investigator's report, the proposed Conservatee has four children. Need complete list of relatives.
	Not.Cred.		SEE PAGE 2
✓	Notice of Hrg		Reviewed by: skc
✓	Aff.Mail	W	Reviewed on: 1-28-14
	Aff.Pub.		Updates:
	Sp.Ntc.		Recommendation:
	Pers.Serv.	X	File 19 – Salaymeh
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt	X	
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation	X	
	FTB Notice		

Page 2

NEEDS/PROBLEMS/COMMENTS (Cont'd):

4. Need Citation and proof of personal service of Citation with a copy of the Petition at least 15 days prior to the hearing pursuant to Probate Code §1824 on Proposed Conservatee Fawzi Salaymeh.
5. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing on all relatives pursuant to Probate Code §1822 and Cal. Rules of Court 7.51 (including minors).
6. Need video receipt per Local Rule 7.15.8.A.
7. Petition does not request medical consent powers; however, a capacity declaration was filed in support of medical consent powers. The Court may require clarification as to the request.

Note: If Petition is granted, the Court will set the following status hearings:

- o Friday, 3-14-14 at 9:00 a.m. in Dept. 303 for filing of bond;
- o Friday, 6-6-14 at 9:00 a.m. in Dept. 303 for the filing of the inventory and appraisal; and
- o Friday, 6-5-15 at 9:00 a.m. in Dept. 303 for the filing of the first account.

Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

			GENERAL HEARING 3-17-14	NEEDS/PROBLEMS/COMMENTS:
			MARIA ARROYO , Maternal Grandmother, is Petitioner.	1. There is a presently pending family law case involving the minor Emma. Pursuant to Local Rule 7.15.7, the Court may direct Petitioner to seek joinder in the family law proceedings. 2. Need Notice of Hearing. 3. Need proof of personal service of Notice of Hearing with a copy of the Petition at least five Court days prior to the hearing per Probate Code §2250(e) on: - Greg Romero (Alexis' father) - Terrence Steven Lee (Emma's father) 4. Need Confidential Guardian Screening Form (GC-212).
			Father (Alexis): GREG ROMERO	
			Father (Emma): TERRENCE STEVEN LEE	
			Mother: GRISelda ARROYO - Consents and waives notice	
			Paternal Grandfather (Alexis): Unknown Paternal Grandmother (Alexis): Unknown	
			Paternal Grandfather (Emma): Unknown Paternal Grandmother (Emma): Unknown	
			Petitioner states the children are living with her and although their mother has notarized documentation, they need to formalize things so that Petitioner can enroll them in school, get insurance for them, and provide for any medical attention they may need while in her care.	
			According to the UCCJEA, the minors have lived with Petitioner since November 2013, and previously lived with their mother.	
<input type="checkbox"/>	Aff.Sub.Wit.			
✓	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input type="checkbox"/>	Notice of Hrg	X		
<input type="checkbox"/>	Aff.Mail			
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.	X		
<input type="checkbox"/>	Conf. Screen	X		
✓	Letters			
✓	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
✓	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
				Reviewed by: skc
				Reviewed on: 1-28-14
				Updates:
				Recommendation:
				File 20 – Romero & Arroyo

**Petition for Termination of Proceedings Due to Lack of Assets and Discharge of the
Personal Representative**

DOD: 3/2/2006		DURMIRNE HUGHES , Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner states she was appointed as Administrator on 2/13/2007.	1. Order includes language not included/verified by the Administrator in the petition. Therefore it has been stricken by the examiner.
Cont. from		Despite efforts of the personal representative to obtain a new loan to save the home, the home that was listed in the petition was lost to foreclosure shortly after the appointment of petitioner as administrator [documentation attached]. There was no time to file an inventory and appraisal before the property was sold at auction.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified	Petitioner states there are no other assets subject to administration.	
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC	Petitioner prays for an Order:	
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg	1. Terminating the proceedings due to lack of assets; 2. Discharging the personal representative.	
<input checked="" type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: KT
			Reviewed on: 1/28/14
			Updates:
			Recommendation:
			File 21A – Hampton

		TEMP DENIED 12-11-13	NEEDS/PROBLEMS/ COMMENTS: <u>Minute Order 12-11-13 (Temp hearing):</u> The petition is denied. The Court directs that minor Justin Pruett be present at the next hearing. The general hearing remains set for 1-30-14. Note: In the event that Petitioner does wish to pursue guardianship, an investigation and clearances will need to be completed, and the Court may require a new petition, notice, etc.
		GWENDOLYN OGATA , maternal grandmother, is petitioner.	
		Father (Juliana): JOSHUA PRUETT , personally served on 12/05/2013	
		Father (Justin): LUCAS REINHOLD , personally served on 12/05/2013	
		Mother: EUGENIA PRUETT	
		Paternal Grandfather (Juliana): William Thomas Pruett, Deceased	
		Paternal Grandmother (Juliana): Angie Pruett, served 12-13-13	
		Paternal Grandfather (Justin): Greg Reinhold, served 12-13-13	
		Paternal Grandmother (Justin): Patty Reinhold, served 12-13-13	
		Maternal Grandfather: Eugene Englund, served 12-13-13	
		Minor: Justin Pruett, personally served on 12/02/2013	
		Petitioner states the mother has fled with her abusive husband and her current whereabouts are unknown. Justin is residing with a friend. Juliana's father was given custody of her in Tulare County family law case. CPS was involved after a domestic violence incident in September. The mother asked Petitioner to care for Juliana, but it was agreed that Justin would stay with his friend until Petitioner had legal custody of him. Within a couple of weeks after Juliana began residing with Petitioner, the mother began calling the school and stating that she was going to pick her up. This was while the police were still actively looking for her husband, whom she had fled with. CPS became involved again and held a TDM. It was agreed that Justin would remain with his friend and Juliana was released to her father's custody. Since that time, Juliana's father has only allowed a few brief calls, showing no regard for the minor's best interest.	
		Since the TDM, Petitioner has been contacted by the school counselor and principal and advised that Justin is doing well, but has exhibited anger and violence, and both feel he is not in a good living situation. Petitioner states she has been the primary care provider and financially supported both children for the majority of their lives.	
		Court Investigator Jennifer Daniel filed a report 1-10-14 that states Petitioner stated she does not wish to pursue guardianship; therefore, it is recommended that the petition be denied.	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report	X	
	Clearances	X	
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		

Request for Hearing About Court Fee Waiver Order

		NEEDS/PROBLEMS/COMMENTS:	
			CONFIDENTIAL
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: skc
			Reviewed on: 1-28-14
			Updates:
			Recommendation:
		File 22B – Pruett	

22B